

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 724

Short Title: Clarify Slow Traffic Move Right Law. (Public)

Sponsors: Representatives Adams and Fontenot (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT SLOWER TRAFFIC ON A CONTROLLED ACCESS HIGHWAY MUST TRAVEL IN THE RIGHT LANE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-146 reads as rewritten:

"§ 20-146. **Drive on right side of highway; exceptions.**

...

(e) Notwithstanding any other provisions of this section, when appropriate signs have been posted, it shall be unlawful for any person to operate a motor vehicle over and upon the inside lane, next to the median of any dual-lane highway at a speed less than the posted speed limit when the operation of said motor vehicle over and upon said inside lane shall impede the steady flow of traffic except when preparing for a left turn. "Appropriate signs" as used herein shall be construed as including "Slower Traffic Keep Right" or designations of similar import.

(f) When the Department of Transportation posts "appropriate signs," as the term is used in subsection (e) of this section, along a controlled access highway directing slower traffic to move to the right, at intervals of no more than 35 miles, a vehicle may not be driven in the farthest left-hand lane of a controlled access highway, except when overtaking and passing another vehicle, or any of the following circumstances:

(1) No other vehicle is directly behind the vehicle in the left lane.

(2) Traffic conditions and congestion make it impractical to drive in the right lane.

(3) Snow and other inclement weather conditions make it safer to drive in the left lane.

(4) Obstructions or hazards exist in the right lane.

(5) The vehicle must be driven in the left lane when preparing to exit.

(6) The vehicle is a law enforcement vehicle, ambulance, or other emergency vehicle engaged in official duties or is a vehicle engaged in highway maintenance or construction operations.

(7) The vehicle is a tractor-trailer commercial motor vehicle combination that is unable to move into the right lane safely due to another vehicle overtaking or passing on the right.

(8) The vehicle is a commercial motor vehicle that is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing on the right.

(g) All of the following shall apply to a violation of subsection (f) of this section:



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- 1 (1) A person who is adjudicated to be in violation of subsection (f) of this section
2 shall be fined not more than one hundred dollars (\$100.00), no part of which
3 may be suspended. No court costs, assessments, or surcharges may be
4 assessed against a person who violates subsection (f) of this section. A
5 custodial arrest for a violation of subsection (f) of this section shall not be
6 made, except upon a warrant issued for a failure to appear in court when
7 summoned or for a failure to pay an imposed fine.
- 8 (2) A violation of subsection (f) of this section does not constitute a criminal
9 offense, and the violation shall not be included in the motor vehicle records of
10 the Division of Motor Vehicles, a person's criminal records, or reported to
11 insurance.
- 12 (3) A violation of subsection (f) of this section is not negligence per se, or
13 contributory negligence, and is not admissible as evidence in a civil action.
- 14 (4) A law enforcement officer shall not search, and may not request consent to
15 search, a vehicle, or the driver or occupant of the vehicle, solely because of a
16 violation of subsection (f) of this section.
- 17 (5) A person charged with a violation of subsection (f) of this section may admit
18 or deny the violation, enter a plea of nolo contendere, or be tried before either
19 a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt
20 that the person violated the provisions of this section, then the penalty is a
21 civil fine pursuant to subdivision (1) of this subsection. If the trier of fact
22 determines that the State has failed to prove beyond a reasonable doubt that
23 the person violated the provisions of this section, then no penalty shall be
24 assessed.
- 25 (6) A person found to be in violation of this section may bring an appeal to the
26 court of appeals.
- 27 (h) Nothing in subsection (f) of this section shall limit the Department of Transportation's
28 ability to establish and delineate lane restrictions for certain types of vehicles."

29 **SECTION 2.** The Department of Public Safety shall develop procedures and adopt
30 rules for the collection and submission of information with regard to any motor vehicle stopped
31 by a State or local law enforcement officer for violation of G.S. 20-146(f), as enacted by Section
32 1 of this act, without a citation being issued or an arrest being made. The officer who initiated
33 the stop must complete a data collection form designed by the Department of Public Safety that
34 must include information regarding the age, gender, and race or ethnicity of the driver of the
35 vehicle. This information may be gathered and transmitted electronically under the supervision
36 of the Department which shall develop and maintain a database storing the information collected.
37 The Department of Public Safety shall develop and maintain a database of this information and
38 prepare a report to be posted on the Department's website regarding motor vehicle stops using
39 the collected information.

40 **SECTION 3.** This act becomes effective December 1, 2023, and applies to offenses
41 committed on or after that date.